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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,501	12/30/2003	Jiten C. Shah		7252

7590 10/31/2005
JITEN C. SHAH
516 CHERRYWOOD DRIVE
WHEELING, IL 60090

EXAMINER

AHMAD, NASSER

ART UNIT PAPER NUMBER

1772

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,501

Applicant(s)

SHAH, JITEN C.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-13, 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8 and 14-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 24, 2005 has been entered.

Rejections Withdrawn

2. Claims 1-4, 6 and 8 rejected under 35 USC 102(b) as being anticipated by Solon made in the last Office Action of February 24, 2005 has been withdrawn in view of the amendment filed on August 24, 2005.

3. Claims 1-8 rejected under 35 USC 103(a) as being unpatentable over Solon has been withdrawn in view of the amendment.

Response to Arguments

4. Applicant's arguments with respect to claims 1-5,7-8, 14-15 and withdrawn claims 10-13 & 16-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1- 4 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Schinella.

Shinella relates to a method for enabling organized shopping comprising the steps of preparing a list of items for shopping on a sheet (10) having a top edge and a bottom edge (figures 1 and 2) and having a front surface and a back surface; wherein said items for shopping is written on said front surface; wherein said sheet has attaching means for attaching said top edge to said bottom edge (figure-2 and col. 4, lines 25-42); arranging said sheet in a loop form at the time of shopping by attaching said top edge to the bottom edge (col. 4, lines 25-42); and wherein the loop has an outer side and an inner side and the front surface forms the outer side. When the adhesive is provided on the bottom edge and the side adhesives are eliminated (col. 4, line 37), the folded over sheet would form the loop. As the adhesive is pressure sensitive adhesive as it exhibits tackiness. A plurality of the sheets can be arranged in a pad form (figure-5). Further, figure-1 shows that the sheet comprises a plurality of cells with category heading and space for listing the items.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinella in view of Lindsey (5311689).

Shinella, as discussed above, fails to teach that the loop is formed around a wrist of the shopper. Lindsey relates to a personal memo device for remembering information for errands (col. 1, lines 5-12), which is interpreted to include shopping lists, and the device can be wrapped around a wrist of the user to remind the user or wearer of the errands. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Lindsey's teaching of using a sheet device that is wrapped around a wrist in the invention of Shinella with the motivation to remind the user or wearer of the items to be picked.

As for the loop being around a shopping cart handle, it would have been obvious to modify Lindsey by providing its device to loop around the handle of a shopping cart because the function of wrapping around a wrist or a handle of a cart are found to be of functionally equivalent, as it would provide as a reminder of the list of items to be picked.

Further, superimposing of a food pyramid on the sheet is found to be an intended use of the list itself for providing shopping for a balanced diet and has not been given any patentable weight as it is not found to be of positive limitation.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-

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1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad 10/27/05
Primary Examiner
Art Unit 1772

N. Ahmad.
October 27, 2005.